

REMARKS

Claims 1-10 are pending in this application. By this Amendment, claims 1 and 4 are amended. Support for the amendment to claim 1 is found in, at least, Applicant's Figs. 5, 7 and 8. Claim 10 is added. Support for claim 10 is found in, at least, Applicant's Figs. 5 and 8. Reconsideration of the application in view of the above amendments, the following remarks and the enclosed RCE is respectfully requested.

The courtesies extended to Applicant's representative by Examiner Thomas during the interview held February 17, 2009 are appreciated. The reasons presented during the interview as warranting favorable action are incorporated into the remarks below, which constitute Applicants' record of the interview.

The Office Action objects to claims 1 and 4 for alleged informalities. Claims 1 and 4 are amended to obviate the objection. Withdrawal of the objection is respectfully requested.

The Office Action rejects claims 1-6 and 8-9 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,239,685 to Albrecht et al. ("Albrecht") in view of U.S. Patent No. 6,703,916 to Charvet et al. ("Charvet"); and rejects claim 7 under 35 U.S.C. §103(a) as being unpatentable over Albrecht, in view of Charvet, and further in view of U.S. Patent Application Publication No. 2004/0061579 to Nelson. These rejections are respectfully traversed.

The Office Action asserts that Albrecht discloses a second conducting pad formed on a bottom surface of the membrane. However, amended claim 1 recites, among other features, "the flexure arms comprising actuating means designed to deform the flexure arms, from the first stable position of the microswitch to a second stable position in such a way as to establish in the second stable position an electric contact between at least a first conducting pad formed on the substrate and at least a second conducting pad arranged on the contact arm, in a second stable position."

Albrecht, at col. 9, lines 22-50, discloses that central leg 503 is a single-material beam under a tensile stress for mechanical bias and induced buckling and is connected to a pedestal 505. Albrecht, at col. 4, lines 18-22, discloses that heat activation is used to expand the bistable micromechanical switch through an external laser beam or an internal electrical heat source. Albrecht, at col. 9, lines 22-50, discloses that bistable switch 500 relies on two-material beams 502, 504 having reversed polarity on each of the two legs, and that contacts 506 are used for short-circuiting the MR head. To short circuit the MR head, it is asserted that the contacts 506 must be on the on the left and right two-material beams 502, 504.

However, as discussed during the February 17 interview, Albrecht does not teach any features that can reasonably correspond to the above-quoted feature recited in claim 1.

In the case where Albrecht uses an internal electrical heat source, it is assumed the pedestal structure 505 would carry the current. Here, the pedestal structure would be a permanently placed electrical contact, which does not take into account the different positions of the two-material beams. Thus, the pedestal structure being a permanent electrical contact cannot reasonably be considered to correspond to "to establish in the second stable position an electric contact between at least a first conducting pad formed on the substrate and at least a second conducting pad arranged on the contact arm, in a second stable position," as recited in claim 1.

For at least these reasons, Albrecht cannot reasonably be considered to teach, or to have rendered obvious, the combinations of all of the features positively recited in independent claim 1. Further, neither Charvet nor Nelson is applied in any manner that would overcome the above-identified shortfall in the application of Albrecht to the subject matter of independent claim 1. To any extent that Albrecht and Charvet or Nelson are even combinable, a conclusion which applicants do not concede, no permissible combination of these references can reasonably be considered to have rendered obvious the combination of

all of the features positively recited in claims 2-9, for at least the respective dependencies of these claims directly on an allowable base claim, as well as the separately allowable subject matter that these claims recite.

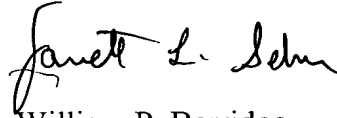
Accordingly, reconsideration and withdrawal of the rejections of claims 1-9 under 35 U.S.C. §103(a) as being unpatentable over the applied references are respectfully requested.

Claim 10 recites, among other features, "the electrostatic holding means being at least attached to the contact arm." The applied references do not teach any features that can reasonably correspond to the this feature. Therefore, claim 10 is allowable, for at least the dependence on an allowable base claim, as well as the separate allowable subject matter that this claim recites.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-10 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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WPB:JZS/jzs

Attachment:
Request for Continued Examination

Date: February 26, 2009

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